

1 **BEFORE THE ARIZONA REGULATORY BOARD**
2 **OF PHYSICIAN ASSISTANTS**

3 In the Matter of

Board Case No. PA-14-0122A

4 **AMY J. LENOX, P.A.**

**ORDER FOR LETTER OF
REPRIMAND AND PROBATION;
AND CONSENT TO THE SAME**

5 Holder of License No. 3597
6 For the Performance of Healthcare Tasks
7 In the State of Arizona.

8 Amy J. Lenox, P.A. ("Respondent"), elects to permanently waive any right to a
9 hearing and appeal with respect to this Order for Letter of Reprimand and Probation and
10 Consent to the Same; admits the jurisdiction of the Arizona Regulatory Board of
11 Physician Assistants ("Board"); and consents to the entry of this Order by the Board.

12 **FINDINGS OF FACT**

13 1. The Board is the duly constituted authority for the regulation and control of
14 physician assistants in the State of Arizona.

15 2. Respondent is the holder of License No. 3597 for the performance of health
16 care tasks in the State of Arizona.

17 3. The Board initiated case number PA-14-0122A after a review of a related
18 matter in which it was alleged that Respondent provided questionable care and
19 prescribing management to SM, a 27 year-old patient.

20 4. On January 14, 2014, SM was seen at a clinic by Respondent. SM
21 complained of headaches and knee pain, and reported that she could no longer travel to
22 Phoenix, Arizona for pain management. In actuality, SM had recently been discharged
23 from her previous pain management physician for violation of her treatment contract.
24 During her visit with Respondent, SM requested a CT scan for her headaches and an
25 orthopedic consult for knee pain. Respondent's review of systems documented

1 complaints of palpitations, cough, and joint pain, but Respondent failed to include any
2 detailed discussion of these complaints in the patient's chart. Respondent's physical
3 exam showed no abnormal findings, and the record does not show the performance of
4 any focused examinations. Respondent diagnosed SM with knee pain, scoliosis, and
5 visual disturbance. Respondent's plan included ophthalmology and orthopedic referrals
6 as well as ordering x-rays of SM's knees and back. Respondent prescribed medications
7 including oxycodone. Respondent did not document a discussion regarding why she
8 chose to replace SM's previous pain prescription with oxycodone. Respondent prescribed
9 Augmentin and Chantix for no documented reason or discussion. Respondent did not
10 discuss or have SM sign a drug use contract, and did not perform drug screening at this
11 visit.
12

13 5. On January 13, 2014, SM's refill requested for Fioricet with codeine and
14 Xanax were denied. Respondent failed to document these medications at her first and
15 only visit with SM.

16 6. On January 23, 2014, a prescription for Fioricet with codeine was approved
17 and signed by Respondent.

18 7. On January 26, 2014, SM received #60 Xanax with a prescription written by
19 Respondent on file at the pharmacy. On January 27, 2014, SM's refill request for Xanax
20 was denied. On January 29, 2014, an entry was made in SM's chart with a request for
21 refills of Xanax. SM also called the office on January 29, 2014 requesting an MRI head
22 scan for persistent migraine-type headaches. An order was generated at that time.
23

24 8. On February 11, 2014, refills for Xanax, Fioricet with codeine, and
25 oxycodone were all approved by Respondent's supervising physician. On February 28,

1 2014, SM's refill requests for Xanax and oxycodone were denied, and on March 3, 2014,
2 SM's refill requests for Fioricet with codeine and Xanax were also denied.

3 9. On March 10, 2014, SM's refills for oxycodone #150, Fioricet with codeine,
4 and Xanax were approved and provided by Respondent. One week later, Respondent
5 approved a refill for Pro Air HFA with no apparent record or diagnosis supporting the
6 prescription.

7
8 10. On March 18, 2014, a drug monitoring report revealed that SM was
9 obtaining controlled substances from multiple providers. SM was informed that she would
10 no longer receive controlled substances from the clinic. SM made several additional
11 requests for refills that were denied. X-rays of the back and knees were reported as
12 normal on April 14, 2014. SM was subsequently seen and followed by Respondent's
13 supervising physician.

14 11. The standard of care requires a PA to perform an adequate history and
15 physical to justify the treatment given. Respondent deviated from the standard of care by
16 failing to perform an adequate history and physical to justify SM's treatment.

17 12. The standard of care requires a PA to document the reasoning for
18 increasing the patient's pain medication dose. Respondent deviated from the standard of
19 care by failing to identify the reason to increase the dosing of oxycodone at the first visit
20 to a relatively high dose.

21 13. The standard of care requires a PA to document the reason or findings to
22 support the prescriptions provided to the patient. Respondent deviated from the standard
23 of care by authorizing refills for Xanax, Pro Air HFA, and Fioricet with codeine without
24 documenting the reason or findings to support the prescriptions.

14. The standard of care requires a PA to discuss and obtain a drug contract with the patient for pain management treatment. Respondent deviated from the standard of care by failing to document or discuss a drug contract with SM for her pain management treatment.

15. Actual patient harm occurred in that Respondent facilitated unjustified use of very addictive medications, and SM's dependence on the medications was exacerbated.

CONCLUSIONS OF LAW

1. The Arizona Regulatory Board of Physician Assistants possesses jurisdiction over the subject matter hereof and over Respondent.

2. The conduct and circumstances described above constitutes unprofessional conduct pursuant to A.R.S. § 32-2501(18)(j) (“[a]ny conduct or practice that is or might be harmful or dangerous to the health of a patient or the public.”).

3. The conduct and circumstances described above constitutes unprofessional conduct pursuant to A.R.S. § 32-2501(18)(p) ("[f]ailing or refusing to maintain adequate records on a patient.").

ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent is issued a Letter of Reprimand.

2. Respondent's license is placed on Probation for **six months** and is subject to the following terms and conditions:

3. Continuing Medical Education

Respondent shall within 6 months of the effective date of this Order obtain no less than 15 hours of Board Staff pre-approved Category I Continuing Medical Education ("CME") in an intensive, in-person course regarding prescribing. Respondent shall within

1 **thirty days** of the effective date of this Order submit her request for CME to the Board
2 staff for pre-approval. Upon completion of the CME, Respondent shall provide Board staff
3 with satisfactory proof of attendance. The CME hours shall be in addition to the hours
4 required for the renewal of licensure.

5 **4. Obey all Laws.**

6 Respondent shall obey all state, federal and local laws, all rules governing the
7 performance of health care tasks in Arizona, and remain in full compliance with any court
8 order criminal probation, payments and other orders.

9 **5. Tolling**

10 In the event Respondent should leave Arizona to reside or practice outside the
11 State or for any reason should Respondent stop performing healthcare tasks in Arizona,
12 Respondent shall notify the Board's Executive Director in writing within ten days of
13 departure and return or the dates of non-practice within Arizona. Non-practice is defined
14 as any period of time exceeding thirty days during which Respondent is not engaging in
15 the practice of medicine. Periods of temporary or permanent residence or practice
16 outside Arizona or of non-practice within Arizona, will not apply to the reduction of the
17 probationary period.

18 **6. Probation Termination.**

19 Prior to the termination of Probation, Respondent must submit a written request to
20 the Board for release from the terms of this Order. Respondent's request must be in
21 writing and submitted at least 30 days prior to the date she would like the matter to
22 appear before the Board. In doing so, Respondent must provide the Board with evidence
23 establishing that she has successfully satisfied all of the terms and conditions of this
24 Order. The Board has the sole discretion to determine whether all of the terms and
25 conditions of this Order have been met and whether Respondent has adequately

1 demonstrated that she has addressed all of the issues identified in it. At that time, the
2 Board shall determine whether it is appropriate to release Respondent from this Order or
3 take any other action that is consistent with its statutory and regulatory authority.

4 21. The Board retains jurisdiction and may initiate a new action based upon any
5 violation of this Order. A.R.S. § 32-2501(18)(dd).

6
7 DATED AND EFFECTIVE this 3rd day of September, 2015.

8
9 ARIZONA REGULATORY BOARD OF
10 PHYSICIAN ASSISTANTS

11 By Patricia E. McSorley
12 Patricia E. McSorley
13 Executive Director

14 **CONSENT TO ENTRY OF ORDER**

15 Respondent understands and agrees that:

16 1. Any record prepared in this matter, all investigative materials prepared or
17 received by the Board concerning the allegations, and all related materials and exhibits
18 may be retained in the Board's file pertaining to this matter.

19 2. Respondent has read and understands this Order as set forth herein, and
20 has had the opportunity to discuss this Order with an attorney or has waived the
21 opportunity to discuss this Order with an attorney. Respondent voluntarily enters into this
22 Order and by doing so agrees to abide by all of its terms and conditions.

23 3. By entering into this Order, Respondent freely and voluntarily relinquishes
24 all rights to an administrative hearing on the matters set forth herein, as well as all rights
25 of rehearing, review, reconsideration, appeal, judicial review or any other administrative
and/or judicial action, concerning the matters related to the Order.

1 4. The findings contained in the Findings of Fact portion of the Order are
2 conclusive evidence of the facts stated herein and may be used for purposes of
3 determining sanctions in any future disciplinary matter.

4 5. Respondent acknowledges and agrees that upon signing this Order and
5 returning it to the Board's Executive Director, Respondent may not revoke her
6 acceptance of this Order or make any modifications to it. Any modification of this original
7 document is ineffective and void unless mutually approved by the parties in writing.

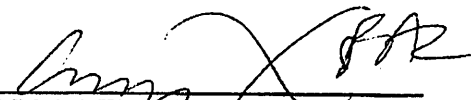
8 6. Respondent understands that this Order shall not become effective unless
9 and until it is approved by the Board and signed by the Board's Executive Director.

10 7. Respondent understands and agrees that if the Board does not adopt this
11 Order, she will not assert in any future proceedings that the Board's consideration of this
12 Order constitutes bias, prejudice, prejudgment, or other similar defense.

13 8. Respondent understands that this Order is a public record that may be
14 publicly disseminated as a formal action of the Board and will be reported to the National
15 Practitioner's Data Bank and posted on the Board's web site as a disciplinary action.

16 9. Respondent understands that any violation of this Order constitutes
17 unprofessional conduct under A.R.S. § 32-2501(18)(dd) ("[v]iolating a formal order,
18 probation, consent agreement or stipulation issued or entered into by the board or its
19 executive director.").

20 10. ***Respondent has read and understands the conditions of probation.***

21
22
23 
24 AMY J. LENOX, P.A.

DATED: 7/17/15

1 EXECUTED COPY of the foregoing mailed
2 this 3rd day of September, 2015 to:

3 Amy J. Lenox, P.A.
4 Address of Record

5 ORIGINAL of the foregoing filed
6 this 3rd day of September, 2015 with:

7 Arizona Regulatory Board
8 of Physician Assistants
9 9545 E. Doubletree Ranch Road
10 Scottsdale, AZ 85258

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Mary Baker
Board Staff